

U.S. FEDERAL DIST. COURT OF APPEALS  
STATE OF ILLINOIS  
NORTHERN DISTRICT

(A)

ENRIKO LEVY #A93734

FILED

MAR 24 2008 *aw*

PETITIONER

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

MAR 24 2008

V.  
STATE OF ILLINOIS, DEPT. OF  
CORRECTION, LAWRENCE  
WARDEN LEE RYKER AND PIERCKNEYVILLE  
WARDEN EVANS  
RESPONDENTS

CASE NUMBER: 08-cv-573  
08cv573

NOTICE OF FILING

To: LISA MADIGAN  
ILLINOIS ATTORNEY GENERAL  
500 S. 2nd. St.  
SPRINGFIELD, ILL. 62766

You are hereby notified that on 3-28 2008, I have caused  
the attached documents to be sent to the above-named party(ies).

By: U.S. MAIL

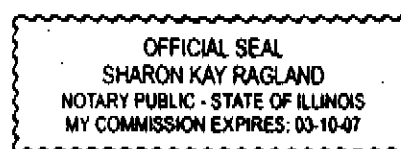
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the attached documents  
have been served on the above-named party(ies). The same being sent via the  
United States Mail, with proper postage having been paid at the Springfield  
Correctional Center on 3-28-2008.  
LAWRENCE

SUBSCRIBED AND SWORN TO BEFORE ME

THIS 26<sup>th</sup> DAY OF January, 2007

Sharon Kay Ragland  
NOTARY PUBLIC



U.S. FEDERAL COURT OF APPEAL  
NORTHERN, STATE OF ILLINOIS  
7TH. CIRCUIT

FILED

MAR 24 2008 *new*MICHAEL W. DOBEINS  
CLERK, U.S. DISTRICT COURT

ENRICO LEVY #A93734

PETITIONER

V

STATE OF ILLINOIS, DEPT. OF  
CORRECTION, PINKNEYVILLE  
WARDEN, EVAN AND LAWRENCE  
WARDEN-LEE RYKERRESPONDENTS

CASE NO. 08-C-573

08cv 573

PLAINTIFF'S PRO SE.

LATE

MOTION FOR LEAVE TO APPEAL  
AND ALLOW ORIGINAL PETITION  
TO STAND AS BRIEF.

I, ENRICO LEVY, PETITIONER PRO SE, RESPECTFULLY HEREBY MOVE WITH MOTION  
AND PRAYER TO THIS HONORABLE COURT, AND IN SUPPORT STATES:

- (1) I AM NOT REPRESENTED BY AN ATTORNEY IN THIS CASE, HOWEVER THIS  
MOTION AND PETITION IS SUPPORTED WITH AFFIDAVIT AND DOCUMENTS.
- (2) I AM THE PETITIONER IN THE ABOVE CAPTIONED CASE.
- (3) I AM A PRISONER INCARCERATED (23) YEARS IN THE ILLINOIS DEPT. OF  
CORRECTION, AT THE PRESENT HERE AT LAWRENCE PRISON, SUMNER ILLINOIS.
- (4) PETITIONER PRAY THIS HONORABLE COURT GRANT MOTION REQUEST.

STATE OF ILLINOIS )  
 ) SS  
 COUNTY OF LAWRENCE )

AFFIDAVIT

I, ENRICO LEVY #A9373Y being first duly sworn under oath depose and state that the foregoing is true and correct and made upon my personal knowledge and I am competent to testify thereto.

FEDERAL AND STATE LAW IN THE PAST HAS RECOGNIZE INCONSISTENCY  
WITH PRISON LAW AND MAIL SERVICE ALONG WITH CONDITIONS TO INMATES.  
SUCH AS DELAY, COPY MACHINE BREAKDOWN, AND PRISON LOCKDOWN,  
TO MORE EXTEND OR DEGREE OF HAND TO HAND EXCHANGE HANDLING.  
MISPLACE AND MANYTIMES OVER AND OVER LOSS OF INMATES LEGAL  
DOCUMENTS, HOWEVER, THIS WHICH IS MY CASE IN POINT, WHEREFORE  
COURTS RELUCTANTLY HAVE GRANTED INMATES WIDE LATITUDE IN (TIMELY)  
CORRESPONDING, FILING DOCUMENTS AND LITIGATING.

MANY TIMES OVER I HAVE EXPERIENCE THESE ABOVE MENTION PROBLEMS  
SUCH AS PERTAINING TO THIS CASE. WHEN SUCH DOES OCCUR, I  
IMMEDIATELY FILE AN EMERGENCY - GRIEVANCE % WARDEN, TO NO AVAIL.

WHEREBY, I REQUEST WITH PRAYER THIS COURT GRANT REPRIEVE

Enrico Levy  
 AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME  
 THIS \_\_\_\_ DAY \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
 NOTARY PUBLIC

**United States District Court**  
**Northern District of Illinois**  
Eastern Division

ENRICO LEVY # A93734

**JUDGMENT IN A CIVIL CASE**

v.

Case Number: 08 C 573

STATE OF ILLINOIS DEPT. OF  
CORRECTIONS

- ☐ Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury rendered its verdict.
- ☒ Decision by Court. This action came to hearing before the Court. The issues have been heard and a decision has been rendered.

IT IS HEREBY ORDERED AND ADJUDGED that this case is dismissed with prejudice.

Michael W. Dobbins, Clerk of Court

Date: 2/15/2008

\_\_\_\_\_  
/s/ Willia Harmon, Deputy Clerk

## United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Suzanne B. Conlon	Sitting Judge If Other than Assigned Judge	
CASE NUMBER	08 C 573	DATE	2/15/2008
CASE TITLE	Enrico Levy # A 93734 v. State of Illinois Dept. of Corrections		

## DOCKET ENTRY TEXT:

The Plaintiff's motion for leave to file in forma pauperis is denied [3] pursuant to 28 U.S.C. § 1915(g) and the complaint is summarily dismissed for failure of the plaintiff to advise the court that he had "struck out." The case is terminated. Any pending motions are denied as moot. Having brought this action, the plaintiff nevertheless remains obligated to pay the full \$350 filing fee. Before pursuing any future litigation, the plaintiff must pay any outstanding fees. The clerk shall send a copy of this order to the trust officer at Lawrence Correctional Center.

*Suzanne B. Conlon*  
Docketing to mail notices.

■ [ For further details see text below.]

## STATEMENT

The Plaintiff, Enrico Levy, has brought this *pro se* civil rights action pursuant to 42 U.S.C. § 1983 and seeks leave to proceed *in forma pauperis*. The motion must be denied because the plaintiff has accumulated at least three "strikes."

The Prison Litigation Reform Act of 1995 (PLRA), enacted on April 26, 1996, provides that a prisoner may not bring a civil action or appeal a civil judgment under 28 U.S.C. § 1915 "if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g). At least three of the plaintiff's previous actions have been dismissed in this district on the grounds that they were frivolous, malicious, or failed to state a claim upon which relief may be granted. *See, e.g., Levy v. State of Illinois*, 96 C 4939, dismissed 1/21/97; *Levy v. State of Il.*, 96 C 4705, dismissed 3/10/97, and *Levy v. State of Il.*, 96 C 7799, dismissed on 4/22/97. In fact, the court previously advised the plaintiff that he had "struck out." *See Order in 06 C 4449*, on 8/28/06. Notwithstanding his knowledge that he is barred from doing so, the plaintiff has nevertheless sought leave to proceed *in forma pauperis*, and without disclosing his 1915(g) status to the court. Consequently, the plaintiff's effective "fraud" on the court must "lead to immediate termination of the suit." *Sloan v. Lesza*, 181 F.3d 857 (7<sup>th</sup> Cir. 1999). The complaint is accordingly dismissed with prejudice, as nothing in the complaint supports an allegation of imminent danger of serious physical injury.

However, having brought this action, the plaintiff remains obligated to pay the full \$350 filing fee. *See* 28 U.S.C. § 1915(b)(1). Before pursuing any future litigation, the plaintiff must pay any outstanding fees.

*Suzanne B. Conlon*

ste

U.S. FEDERAL COURT OF APPEAL  
NORTHERN, STATE OF ILLINOIS  
7TH. CIRCUIT

ENRICO LEVY #A93734  
PETITIONER

DOCKET NUMBER \_\_\_\_\_

- VS -

STATE OF ILL, DEPT. OF  
CORRECTION PINKNEYVILLE  
WARDEN EVANS, AND  
LAWRENCE WARDEN LEE RYKER

RESPONDENT'S

APPEAL FROM

CIRCUIT NO. 7TH

TRIAL JUDGE SUZANNE B. CONLON

DATE OF NOTICE OF APPEAL

DATE OF JUDGMENT 2-15-2008

DATE OF POST JUDGMENT

ORDER OF DISMISSING 42 § 1483 CIVIL

NATURE: PERSONAL INJURY

DOCKET STATEMENT  
CIVIL

1. NOTICE FOR LEAVE TO FILE APPEAL HAS BEEN SERVED
2. NO COUNSEL HAS BEEN APPOINTED
3. THIS APPEAL CAN BE ACCELERATED

U.S. FEDERAL COURT OF APPEAL  
NORTHERN, STATE OF ILLINOIS  
7TH. CIRCUIT

ENRICA LEVY #A93734  
PETITIONER

- NS -

STATE OF ILL, DEPT. OF  
CORRECTION, PINCKNEYVILLE  
WARDEN EVANS, AND LAWRENCE  
WARDEN LEE RYKER

RESPONDENT'S

APPEAL OF JMENT

FROM THE  
U.S. FEDERAL DIST. COURT OF ILL.

CASE NO. 08-C-573

JUDGE SUZANNE B. CONLON

PETITION FOR LEAVE TO APPEAL

FEDERAL RULE

ENRICA LEVY #A93734  
FROM PINCKNEYVILLE PRISON  
FACILITY TO LAWRENCE  
RT. 2 Box 31  
SUMNER, ILL. 62466

ORAL ARGUMENT

APPENDIX (A)

ORIGINAL AND AMEND COMPLAINT



## Plaintiff's complaint No 3

## SUPPLEMENTAL

STATE OF ILLINOIS )  
 ) SS :  
 COUNTY OF LAWRENCE )

## SWORN AFFIDAVIT

I, ENRICO LEVY #A93734, After Being Duly Sworn Upon My Oath Depose And States That the Following Matters Are Both true And Correct In Substance And In Facts :

HERE AT LAWRENCE PRISON, INMATES, INCLUDING MYSELF ARE TOSS INTO A TWO MEN CELL, DESPITE AGGRESSION TOWARD EACH OTHER AND COMPLAINTS TO THE WARDENS AND THEIR SECURITY STAFF TO BE MOVE TO ANOTHER CELL OF PEACE, IRONICALLY, FALLS ON DEATH EARS. INMATES CAN FIGHT TO DEATH, HERE IN SEGREGATION.

ON 3-13-2008, OVER AND OVER, I COMPLAINED TO BE MOVE TO ANOTHER CELL DUE TO AGGRESSION, SADLY, I WAS TAKEN AND STRIPPED OF LIFE NECESSITY ITEMS, THEN PLACED INTO A CELL WITH A CONCRETE BLOCK FLOOR. THERE AND PRESENT, I BEEN DENIED OF ALL FEED DAILY, AND STILL CONTINUE AS OF THIS COMPLAINT, HERE IN SEGREGATION.

FURTHERMORE, AT THE BEGINNING OF THIS DURATION, APPROXIMATELY 2-14-2008, ON THIS CONCRETE FLOOR BLOCKED, I SEVERELY INJURED MY BACK AND NECK, WITH PAIN CONTINUELY. I REPEATELY REQUEST TO SEE THE DOCTOR, TO NO AVAIL.

54 YEARS AGE, 23 YEARS INCARCERATED

So Stated :

Enrico Levy #A93734

SUBSCRIBED AND SWORN TO BEFORE  
 ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20 \_\_\_\_\_  
 Notary : \_\_\_\_\_

SEGREGATION (2) # L2

## STATE OF ILLINOIS -- DEPARTMENT OF CORRECTIONS

ADJUSTMENT COMMITTEE  
FINAL SUMMARY REPORT

AL9

Name: LEVY, ENRICO

IDOC Number: A93734

Race: BLK

Hearing Date/Time: 2/24/2008 10:22 AM

Living Unit: LAW-S-BL-15

Orientation Status: N/A

Incident Number: 200800498/1 - LAW

Status: Final

Date	Ticket #	Incident Officer	Location	Time
2/14/2008	200800498/1-LAW	HABING, BENJAMIN G	DIETARY	10:03 AM

Offense	Violation	Final Result
206	Intimidation Or Threats	Guilty
304	Insolence	Guilty
307	Unauthorized Movement	Guilty

Witness Type	Witness ID	Witness Name	Witness Status
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No Witness Requested

## RECORD OF PROCEEDINGS

Inmate refused to appear for his hearing.

## BASIS FOR DECISION

Based on IDR by reporting employee that inmate Levy was observed walking around in dietary during chow lines when he should have been seated at his assigned table. Based on inmate Levy's statement to the officer, "I need to get out of this institution before I get the death penalty." Based on inmate's refusal to appear for his hearing. Based on the incident being witnessed by Lt. Duncan. Inmate identified by state ID. Due to the nature of the offense the adjustment committee recommends the following.

## DISCIPLINARY ACTION (Consecutive to any priors)

## RECOMMENDED

1 Months C Grade

1 Months Segregation

Basis for Discipline:Nature of offense

## FINAL

1 Months C Grade

1 Months Segregation

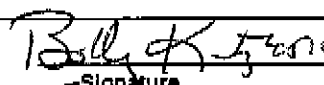
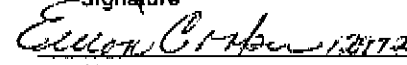
## Signatures

## Hearing Committee

KUNTZ, ROBERT F - Chair Person

COOPER, ELTON L

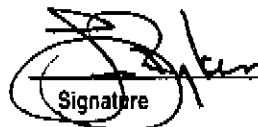
Recommended Action Approved

	02/24/08	WHI
Signature	Date	Race
	02/24/08	BLK
Signature	Date	Race

Final Comments: N/A

DERWIN L RYKER / DLR 2/25/2008

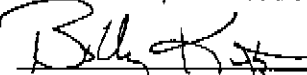
Chief Administrative Officer



02/25/08

Date

The committed person has the right to appeal an adverse decision through the grievance procedure established by Department Rule 504: Subpart F.



Employee Serving Copy to Committed Person

2-27-08 1/PL

When Served -- Date and Time

## STATE OF ILLINOIS -- DEPARTMENT OF CORRECTIONS

ADJUSTMENT COMMITTEE  
FINAL SUMMARY REPORT

AL9

Name: LEVY, ENRICO

IDOC Number: A93734

Race: BLK

Hearing Date/Time: 2/24/2008 10:22 AM

Living Unit: LAW-S-BL-15

Orientation Status: N/A

Incident Number: 200800499/1 - LAW

Status: Final

Date	Ticket #	Incident Officer	Location	Time
2/14/2008	200800499/1-LAW	FREEMAN J, JAMES E	SEGREGATION	10:50 AM

Offense	Violation	Final Result
206	Intimidation Or Threats	Guilty

Witness Type	Witness ID	Witness Name	Witness Status
--------------	------------	--------------	----------------

No Witness Requested

## RECORD OF PROCEEDINGS

Inmate refused to appear for the hearing.

## BASIS FOR DECISION

Based on IDR by reporting employee that inmate Levy stated to the food sergeant, "You can give C/O Habing a message. He is a dead bitch when I get out of here. You can tell that director C/O Habing is a dead bitch." Based on inmate's refusal to appear for his hearing. Inmate identified by state ID. Due to the nature of the offense the adjustment committee recommends the following.

## DISCIPLINARY ACTION (Consecutive to any priors)

## RECOMMENDED

2 Months C Grade

2 Months Segregation

Basis for Discipline:Nature of offense

## FINAL

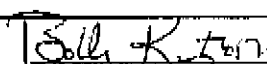
2 Months C Grade

2 Months Segregation

## Signatures

## Hearing Committee


KUNTZ, ROBERT F - Chair Person



02/24/08

WHI

COOPER, ELDON L



02/24/08

BLK

Recommended Action Approved

Signature

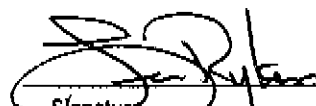
Date

Race

Final Comments: N/A

DERWIN L RYKER / DLR 2/25/2008

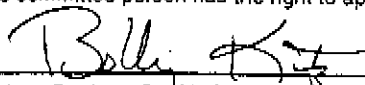
Chief Administrative Officer



02/25/08

Date

The committed person has the right to appeal an adverse decision through the grievance procedure established by Department Rule 504: Subpart F.



Employee Serving Copy to Committed Person

2-22-08 12:02

When Served -- Date and Time

## Type of Report:

☒ Disciplinary ☐ Investigative

Date: 2-14-2008

Offender Name: Levy

ID #: A93734

Observation Date: 2-14-2008 Approximate Time: 12:03 ☐ a.m. ☒ p.m. Location: North Dining Room

Offense(s): DR 504: 306 Intimidation or Threats, 309 Intimidation, 302 Unauthorized Movement,

Observation: (NOTE: Each offense identified above must be substantiated.) 308 Unauthorized Property, 403 Disobeying a Direct Order

On the above date and approx. time, this PO observed the Levy, A93734 walking around in the dining room, when he should have been sitting at his seat eating his lunch. This PO walked over to the Levy's table and observed the Levy looking at some papers. This PO gave the Levy 3 direct orders to give the papers to this PO. The Levy disobeyed all 3 orders. The Levy replied "I need to get out of this institution before I get the death penalty." Dietary Zone Lt. Duncan notified. The Levy was walked to sec. The Levy IDed by State ID. DOC 500 completed.

Witness(es): Lt. Duncan

☐ Check if Offender Disciplinary Continuation Page, DOC 0318, is attached to describe additional facts, observations or witnesses.

By B. Haring 12393 R. Haring 2/14/2008 11:01 ☐ a.m. ☒ p.m.  
Reporting Employee (Print Name) Badge # Signature Date Time

## Disciplinary Action:

Shift Review: ☒ Temporary Confinement ☐ Investigative Status Reasons: 302 Unauthorized Movement

Printed Name and Badge # 12393 2/14/08  
Shift Supervisor's Signature (For Transition Centers, Chief Administrative Officer) Date

Reviewing Officer's Decision: A Confinement reviewed by Reviewing Officer Comment: No comment / Confine 14 days

☒ Major Infraction, submitted for Hearing Investigator, if necessary and to Adjustment Committee☐ Minor Infraction, submitted to Program Unit

Print Reviewing Officer's Name and Badge # 12393 2/14/08  
Reviewing Officer's Signature Date

☐ Hearing Investigator's Review Required (Adult Correctional Facility Major Reports Only):

Print Hearing Investigator's Name and Badge # Hearing Investigator's Signature Date

## Procedures Applicable to all Hearings on Investigative and Disciplinary Reports

You have the right to appear and present a written or oral statement or explanation concerning the charges. You may present relevant physical material such as records or documents.

## Procedures Applicable to Hearings Conducted by the Adjustment Committee on Disciplinary Reports

You may ask that witnesses be interviewed and, if necessary and relevant, they may be called to testify during your hearing. You may ask that witnesses be questioned along lines you suggest. You must indicate in advance of the hearing the witnesses you wish to have interviewed and specify what they could testify to by filling out the appropriate space on this form, tearing it off, and returning it to the Adjustment Committee. You may have staff assistance if you are unable to prepare a defense. You may request a reasonable extension of time to prepare for your hearing.

☐ Check if offender refused to sign

Offender's Signature 5804 ID# 12393  
Serving Employee (Print Name) Badge # Signature

2-21-08 9:15  
Date Served Time Served ☐ a.m. ☒ p.m.

☐ I hereby agree to waive 24-hour notice of charges prior to the disciplinary hearing.

Offender's Signature

ID#

(Detach and Return to the Adjustment Committee or Program Unit Prior to the Hearing)

Date of Disciplinary Report

Print offender's name

ID#

I am requesting that the Adjustment Committee or Program Unit consider calling the following witnesses regarding the Disciplinary Report of the above date:

Print Name of witness Witness badge or ID# Assigned Cell (if applicable) Title (if applicable)

Witness can testify to:

Print Name of witness Witness badge or ID# Assigned Cell (if applicable) Title (if applicable)

Witness can testify to:

ILLINOIS DEPARTMENT OF CORRECTIONS  
Shakedown Record/Confiscated Contraband

Date: <u>2-19-08</u> Time: <u>11:03</u> <input checked="" type="checkbox"/> a.m. <input type="checkbox"/> p.m. Living Area: <u>1114</u> Occupied: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Violator: <u>Levy</u> No. <u>197734</u> Violator: <u>1114</u> No. <u>1114</u> Was any contraband found? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Item(s) (Description and circumstances of discovery): <u>12 pieces of paper</u> <u>found in 3rd Levy's closet</u> <u>in directly on a chair line</u>		Shift Supervisor: _____ Date Received: <u>2-19-08</u> Time: <u>11:03</u> <input type="checkbox"/> a.m. <input type="checkbox"/> p.m. <input type="checkbox"/> Major Contraband <input type="checkbox"/> Minor Contraband: _____ Signature: _____ Disposition: <u>Levy</u> <input type="checkbox"/> a.m. <input type="checkbox"/> p.m. Initials: <u>ML</u> Date: <u>2-19-08</u> Time: <u>11:03</u> <input type="checkbox"/> a.m. <input type="checkbox"/> p.m. Receiving Custodian: Date Received: _____ Time: _____ <input type="checkbox"/> a.m. <input type="checkbox"/> p.m. <input type="checkbox"/> Major Contraband <input type="checkbox"/> Minor Contraband: _____ Custodian Signature: _____	
Witness: <u>LT Purser</u> Disciplinary Report written: <input type="checkbox"/> Yes <input type="checkbox"/> No Inmate Report written: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Employee Signature: <u>Levy</u> Date: <u>2-19-08</u> Time: <u>11:03</u> <input type="checkbox"/> a.m. <input type="checkbox"/> p.m. Scribe No. _____ Date: _____ Time: _____		Chain-of-Custody after the Custodian has received the item: From: _____ To: _____ Date Received: _____ Time: _____ <input type="checkbox"/> a.m. <input type="checkbox"/> p.m. From: _____ To: _____ Date Received: _____ Time: _____ <input type="checkbox"/> a.m. <input type="checkbox"/> p.m. From: _____ To: _____ Date Received: _____ Time: _____ <input type="checkbox"/> a.m. <input type="checkbox"/> p.m. From: _____ To: _____ Date Received: _____ Time: _____ <input type="checkbox"/> a.m. <input type="checkbox"/> p.m. Final Disposition: _____ Date: _____ Custodian's Initials: _____	

Distribution: With Item (Tag); Supervisor; Employee; Disciplinary Report; Violator

DOC0300 (Rev. 4/2006)  
(Replaces IDC 252)

Amend Supplemental  
No. 2

#### IV. Statement of Claim:

State here as briefly as possible the facts of your case. Describe how each defendant is involved, including names, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

ON 2-14-2008, IN THE CHOW HALL, I WAS HANDCUFF AND ESCORTED TO MENTAL  
SOCIAL WORKER, INTERVIEWED, AND TAKEN TO SEGREGATION. THERE, I WAS  
STRIPPED BARE NUDE, AND PLACED IN A CONCRETE FLOOR BED CELL FOR (6)  
DAYS. THEN TO A SINGLE MAN CELL FOR (7) DAYS, THEN REMOVED TO THE  
HIGH BED BUNK, TWO MEN CELL, HERE IN SEGREGATION.

ON 2-14-2008, OVER AND OVER, AFTER REPEATEDLY REQUESTS, THERE, I WAS  
DEPRIVED AND DENIED TOILET PAPER, SOAP, TOOTHBRUSH, TOOTHPASTE, TOWEL,  
INKPEN, PAPER, GRIEVANCE, DENTIST, DOCTOR OR ANYTHING ELSE, CONTINUELY  
TOTALLY IGNORED. FEED ONLY, FOR (6) DAYS.

DURING THIS DURATION, I SUBSTAINED SEVERE INJURY TO BACK AND NECK  
ON THIS (6) IN A RAZE CONCRETE black floor bed.

TO WARDEN L. FLYER  
EMERGENCY

ILLINOIS DEPARTMENT OF CORRECTIONS  
OFFENDER'S GRIEVANCE

589 (A) #49

Date: 2-27-2008	Offender: (Please Print) ENRICO LAVY	ID#: A93734
Present Facility: LAWRENCE	Facility where grievance issue occurred: LAWRENCE	

**NATURE OF GRIEVANCE:**

<input type="checkbox"/> Personal Property	<input type="checkbox"/> Mail Handling	<input type="checkbox"/> Restoration of Good Time	<input type="checkbox"/> Disability
<input checked="" type="checkbox"/> Staff Conduct	<input type="checkbox"/> Dietary	<input checked="" type="checkbox"/> Medical Treatment	<input type="checkbox"/> HIPAA
<input type="checkbox"/> Transfer Denial by Facility	<input type="checkbox"/> Transfer Denial by Transfer Coordinator	<input type="checkbox"/> Other (specify): _____	

☐ Disciplinary Report: \_\_\_\_\_  
Date of Report \_\_\_\_\_ Facility where issued \_\_\_\_\_

**Note:** Protective Custody Denials may be grieved immediately via the local administration on the protective custody status notification.

**Complete:** Attach a copy of any pertinent document (such as a Disciplinary Report, Shakedown Record, etc.) and send to:  
 Counselor, unless the issue involves discipline, is deemed an emergency, or is subject to direct review by the Administrative Review Board.  
 Grievance Officer, only if the issue involves discipline at the present facility or issue not resolved by Counselor.  
 Chief Administrative Officer, only if EMERGENCY grievance.  
 Administrative Review Board, only if the issue involves transfer denial by the Transfer Coordinator, protective custody, involuntary administration of psychotropic drugs, issues from another facility except personal property issues, or issues not resolved by the Chief Administrative Officer.

**Brief Summary of Grievance:** ON 2-14-2008, IN THE CHOW HALL, I WAS HANDCUFF AND ESCORTED TO MENTAL SOCIAL WORKER AND THEN TAKEN TO SEGREGATION. THERE, I WAS STRIPPED BARE NUDE, AND PLACED IN A CONCRETE FLOOR BED CELL FOR (6) DAYS. THEN TO A SINGLE MATTRESS FOR (7) DAYS, THEN REMOVED TO THE HIGH BED BUNK, WOMEN CELL. ON 2-14-2008 AFTER REPEATEDLY REQUESTS, THERE, I WAS DEPRIVED AND DENIED TOILET PAPER, SOAP, TOOTHBRUSH, TOOTH PASTE, TOWEL, INK PEN, PAPER, GRIEVANCE, DENTIST, DOCTOR OR ANYTHING ELSE, TOTALLY IGNORED. ONLY FOOD. FOR (6) DAYS.

DURING THIS DURATION, I SUBSTAINED SEVERE INJURY TO BACK AND NECK ON THIS (6) IN, RAZOR CONCRETE BLOCK FLOOR BED.

**Relief Requested:** THAT I BE MOVED IMMEDIATELY TO A CELL ALONE, AND ALSO THAT I SEE A DENTIST AND DOCTOR FOR SEVERE BODY PAIN AND TEETH PAIN

☒ Check only if this is an EMERGENCY grievance due to a substantial risk of imminent personal injury or other serious or irreparable harm to self.

Enrico Lavy A93734 2, 27, 2008  
Offender's Signature ID# Date

(Continue on reverse side if necessary)

<b>Counselor's Response (if applicable)</b>		
Date Received: _____	<input type="checkbox"/> Send directly to Grievance Officer	<input type="checkbox"/> Outside jurisdiction of this facility. Send to Administrative Review Board, P.O. Box 19277, Springfield, IL 62794-9277
Response: _____ _____ _____ _____		
Print Counselor's Name _____	Counselor's Signature _____	Date of Response _____

<b>EMERGENCY REVIEW</b>	
Date Received: _____	Is this determined to be of an emergency nature? <input type="checkbox"/> Yes; expedite emergency grievance
	<input type="checkbox"/> No; an emergency is not substantiated. Offender should submit this grievance in the normal manner.
Chief Administrative Officer's Signature _____	Date _____

## MEMORANDUM

DATE 3/3/08  
TO: *Levy A 93734*  
FROM: Pamela Moran, CCII  
Grievance Officer  
Lawrence Correctional Center

*Seg AL 9*

SUBJECT: Grievance(s) / Inmate Correspondence

The attached is being returned for the reason(s) listed below:

- ☐ Contact your Correctional Counselor. Per D.R 504 Grievances, "A committed person shall first attempt to resolve incidents, problems or complaints, other than complaints concerning disciplinary proceedings, through his counselor."
- ☐ Use proper Committed Person's Grievance Report Form (DOC 0046).
- ☐ Provide date(s) of disciplinary report(s) and facility where incident(s) occurred.
- ☐ **Forward grievance directly to the Administrative Review Board.** (protective custody, enforced medication, disciplinary reports from other facilities, issues arising at another facility except personal property, decisions rendered by the Director, etc...).
- ☐ Not submitted in the timeframe outlined in Department Rule 504; therefore, issue will not be addressed further.
- ☐ Unable to determine nature of grievance/correspondence. Submit additional specific information .
- ☐ Illegible copy submitted. Submit legible copy for consideration.
- ☐ Request restoration of GCC, segregation time cut, grade restoration to the Adjustment Committee. If request is denied, utilize the grievance process for further consideration.
- ☐ Issue has been previously addressed on a grievance. No justification for further consideration. Grievance Response was provided.
- ☐ Contact the Record Office with your request and/or additional information (sentence calculations, jail credits, etc.).
- ☐ Address concerns to Illinois Prisoner Review Board, 319 East Madison St. Suite A, Springfield, Illinois 62706 (executive clemency, parole violation issues, etc.). This issue is not within the jurisdiction of the facility or the ARB.
- ☒ Other: The Warden has determined the issue is not an emergency. Please follow the grievance process by submitting the grievance to your counselor, if it is still an issue.

Form # applied for.





**Illinois**  
Department of  
**Corrections**

**Rod R. Blagojevich**  
Governor

**Roger E. Walker Jr.**  
Director

1301 Concordia Court / P.O. Box 19277 / Springfield, IL 62794-9277 / Telephone: (217) 522-2666 / TDD: (800) 526-0844

July 13, 2006

Enrico Levy  
Register No. A93734  
Pinckneyville Correctional Center


Dear Mr. Levy:

This is in response to your grievance received on June 8, 2006, regarding conditions (requests soap and body wash in seg), which was alleged to have occurred at Pinckneyville Correctional Center. This office has determined the issue will be addressed without a formal hearing.

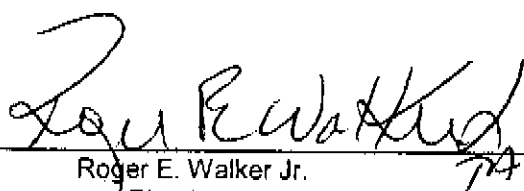
The Grievance officer's report (4-56) and subsequent recommendation dated April 28, 2006 and approval by the Chief Administrative Officer on May 2, 2006 have been reviewed.

Based on a total review of all available information, it is the opinion of this office that the issue was addressed by the institutional administration. It is, therefore, recommended the grievance be denied.

FOR THE BOARD:

  
Jackie Miller  
Administrative Review Board  
Office of Inmate Issues

CONCURRED:

  
Roger E. Walker Jr.  
Director

cc: Warden Ken Bartley, Pinckneyville Correctional Center  
Enrico Levy, Register No. A93734  
Chron. File

No. 1  
Plaintiff's complaint

ON FEB-22-2006, FOR SAFETY CONCERN, I REQUESTED TO BE SHIPPED, UNFORTUNATELY DENIED. UPON MY PERSONAL REQUEST, I REFUSE GENERAL POPULATION HOUSING FOR REASON OF SAFETY CONCERN WHICH RELATES TO A PREVIOUS INCIDENT THAT INVOLVED THREE OTHER INMATES AND, MYSELF BEING SHOT AND SERIOUS WOUNDED BY A CORRECTIONAL OFFICER AT PONTIAC PRISON,

I WAS ESCORTED TO PRISON SEGREGATION, THE VERY NEXT DAY I'D RECEIVE A DISCIPLINARY TICKET FOR REFUSING HOUSING ASSIGNMENT, HOWEVER, I EXPLAIN THAT I HAVE BEEN APPROACH BY AT LEAST FIFTEEN INMATES WHOM THREATEN TO DO HARM TO ME FOR TESTIFYING IN PONTIAC COURT AGAINST ANOTHER INMATE,

I ALSO INFORMED THE WARDEN, THE PRISON'S DIRECTOR, AND OFFICE OF INMATE ISSUES IN SPRINGFIELD, ILLINOIS. IRONICALLY, I HAVE EXACT COPIES OF MY LETTERS AND ALSO COPIES OF PROOF OF MAILINGS. MANY TIMES I PLEAD TO BE SHIPPED OUT OF THE FACILITY, UNFORTUNATELY ALL MY REQUESTS WAS IGNORED OVER AND OVER.

HOWEVER, CONFINED TO SEGREGATION FOR (18) MONTHS, SUBJECTED TO INHUMANE CONDITION AND TREATMENT, DEPRIVED OF BASIC HYGIENE ITEMS SUCH AS SOAP, TOOTHPASTE, TOOTHBRUSH, ETC. DEPRIVED FOR (18) MONTHS OF OUT-OF-CELL EXERCISE AND SEVERELY SUFFERED FEET AND BODY RASHES, EAR INFECTION, TEETH PAINS AND NEGLECT. SUFFERED ALSO FROM SEVERE DEPRESSION, ALTHOUGH PSYCHIATRIC WAS SOUGHT AND VISTED TO NO AVAIL. MEDICATION REQUEST WAS DENIED.

FURTHERMORE, SADLY (6) MONTHS WAS REVOLT FROM MY APPROACHING RELEASE, THEREBY SETTING BACK MY DISCHARGE RELEASE DATE. PARALYSIS ALSO CONTINUES,

## V. Relief:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

TO ALLOW PETITIONER TO PROCEED AND PRESENT EVIDENCE,

ALSO APPOINT COUNSEL, AND ALSO SECURE UNIDENTIFIED WITNESSES

THAT I BE MOVED IMMEDIATELY TO A CELL ALONE, AND ALSO THAT

I SEE A DENTIST AND DOCTOR FOR SEVERE BODY AND TEETH PAINS

ALSO APPOINTMENT OF ATTORNEY

VI. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

## CERTIFICATION

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this 29 day of FEB, 2008

Enrico Levy

(Signature of plaintiff or plaintiffs)

ENRICO LEVY

(Print name)

A93734

(I.D. Number)

RT. R-2 Box 31

SUMNER, ILLINOIS, 62466

(Address)

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF LAWRENCE )

AFFIDAVIT

I, ENRICO LEVY #A93734 being first duly sworn under oath depose and state that the foregoing is true and correct and made upon my personal knowledge and I am competent to testify thereto.

FEDERAL AND STATE LAW IN THE PAST HAS RECOGNIZE INCONSISTENCY  
WITH PRISON LAW AND MAIL SERVICE ALONG WITH CONDITIONS TO INMATES.  
SUCH AS DELAY, COPY MACHINE BREAKDOWN, AND PRISON LOCKDOWN,  
TO MORE EXTEND OR DEGREE OF HAND TO HAND EXCHANGE HANDLING.  
MISPLACE AND MANYTIMES OVER AND OVER, LOSS OF INMATES LEGAL  
DOCUMENTS, HOWEVER, THIS WHICH IS MY CASE IN PRINT, WHEREFORE  
COURTS RELUCTANTLY HAVE GRANTED INMATES WIDE LATITUDE IN (TIMELY)  
CORRESPONDING, FILING DOCUMENTS AND LITIGATING.

MANY TIMES OVER I HAVE EXPERIENCE THESE ABOVE MENTION PROBLEMS  
SUCH AS PERTAINING TO THIS CASE, WHEN SUCH DOES OCCUR, I  
IMMEDIATELY FILE AN EMERGENCY - GRIEVANCE % WARDEN, TO NO AVAIL.

WHEREBY, I REQUEST WITH PRAYER THIS COURT GRANT RELIEVE

Enrico Levy  
AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME  
THIS \_\_\_\_\_ DAY \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC